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DISCUSSION OF THE AMENDMENT

The specification has been amended to correct a typographical error in Table 1. As filed, the table was missing a row. Support for the amendment appears at page 19, line 36 through page 20, line 7.

Claims 16-61 remain pending in the application.

REMARKS

Applicants thank the Examiner and the Examiner's supervisor for the courtesy extended to Applicants' attorney during the interview held March 8, 2002, in the above-identified application. During the interview, Applicants' attorney explained the presently-claimed invention and why it is patentable over the applied prior art. The discussion is summarized and expanded upon below.

The rejections under 35 U.S.C. §103(a) of Claims 16-24, 30-32 and 35-38 as unpatentable over U.S. Patent No. 5,777,779 (Hashimoto et al), in view of JP 08-083581 (Kiju) alone, and

for Claims 25-26, additionally in view of EP 692,463 (Chartier et al);

for Claims 27-29, additionally in view of WO 97/10185 (Chopin et al);

for Claims 33-34, 39-49 and 55-61, additionally in view of U.S. 5,578,404 (Kliem);

for Claims 50-51, additionally in view of Kliem and Chartier et al; and

for Claims 52-54, additionally in view of Kliem and Chopin et al,

are respectively traversed.

The present invention relates to glazing having electrically controllable optical and/or energy properties. More particularly, as recited in Claim 61, the invention is a glazing comprising (a) at least one electrically controllable system having variable optical and/or

energy properties, (b) at least one coating for adjusting the optical appearance conferred on the said glazing by the said system, said at least one coating having antireflection properties in the visible, wherein said coating having antireflection properties is deposited on at least one of the external faces of said glazing and comprises a stack of thin layers having alternately high and low reflective indices or a graded-refractive-index layer, and (c) at least one coating for attenuating/modifying the color of the glazing in reflection.

When both the antireflection and attenuating/modifying coatings are present, superior results are obtained, which are unobtainable without both layers, or without the antireflection coating. This superiority is demonstrated in the comparative data of record, and particularly, in Examples 3 and 4, described in the specification beginning at page 18, line 37. Better filtering properties toward heat rays, higher TL values in the bleached state (with a TL that can reach 80%, which is a real achievement for an electrochromic glazing, because the electrochromic layers, even in the bleached state, do remain a little bit absorbing). So, the anti-reflecting stack of thin layers acts in synergy with the electrochromic system, thermally and optically, both in the colored and uncolored state of the electrochromic system, which combination of both thermal and optical effects could not have been predicted.

In another embodiment of the present invention, as recited in Claim 39, the above-discussed at least one antireflection coating is present, and the electrically-controllable system is a superposition of functional layers placed on a carrier substrate and provided with a protective film of the inorganic or polymeric layer type, such as in the form of a lacquer or varnish as recited in Claim 40. This embodiment, especially when it is directed to an "all solid" electrochromic system as recited in Claim 59, is superior because this structure is really very "light", very compact, compared to the usual laminated windows or screens, and also because it is optically very advantageous.

The presently-claimed subject matter is neither disclosed nor suggested by the applied prior art. Hashimoto et al is drawn to an electrochromic device. While, as the Examiner finds, Hashimoto et al discloses the presence of an antireflection coating, Hashimoto et al do not disclose a coating for attenuating/modifying the color of the glazing in reflection. The Examiner appears to rely on the disclosure of, *inter alia*, SiO₂ for the first transparent ion conductive layer 5 and the second transparent ion conductive layer 6 (column 4, lines 1-8). However, these layers are internal layers of the electrochromic device of Hashimoto et al. In addition, there is no evidence to support the Examiner's finding that either of layers 5 or 6 function as attenuating/modifying the color of the glazing in reflection.

Kiju discloses a face plate for a CRT, LCD or other displays comprising a high refractive index sub-stratum and a low refractive index super-stratum, as providing good antireflection and antistatic performance.

It is not clear why one skilled in the art would combine Hashimoto et al and Kiju, without the present disclosure as a guide. Hashimoto et al is drawn to electrochromic devices, while Kiju is concerned with displays such as CRT and LCD. The Examiner has provided no evidence to support a holding that one skilled in the art would employ an antireflection coating, disclosed for use with displays of the type mentioned above, as the antireflection coating for an electrochromic device. Moreover, even if one skilled in the art combined Hashimoto et al and Kiju, the result would not be presently-claimed invention since, as discussed above, the presently-recited at least one coating for attenuating/modifying the color of the glazing in reflection is neither disclosed nor suggested. Nor are Hashimoto et al and Kiju related to a glazing. **Submitted herewith** are pages from the Random House Dictionary of the English Language, Second edition, with definitions of "glazing" and "display." These terms are not overlapping.

Nor, in the Final Office Action, does the Examiner address the above-discussed comparative data in support of Claim 16 and claims dependent thereon. The discussion of this comparative data is thus repeated and expanded.

Example 3 is according to the claimed invention; Example 4 contains no antireflection coating. As disclosed in the specification beginning at page 19, line 28, the optical properties of the glazing were improved when at least one coating attenuating the color or an antireflection coating was provided, but the maximum improvement was obtained by using both types of coating together. The following optical properties in the bleached state (+1.2 V supply), and in the colored state (-1.6 V supply) were compared for Examples 3 and 4:

light transmission T_L (%);

values of a_{TL}^* and b_{TL}^* in the (L^* , a^* , b^*) system in transmission;

light reflection R_{L1} on the "internal side" and the corresponding a^* and b^* values;

light reflection R_{L2} on the "external side" and the corresponding a^* and b^* values;

energy transmission T_E (%);

energy reflection R_{E1} (on the external side);

energy reflection R_{E2} (on the internal side), and

solar factor SF (the solar factor is the ratio between the total energy entering the room through the glazing to the incident solar energy).

This data is shown in the specification at (corrected) Table 1 and Table 2 at page 21 (a copy of (corrected) Table 1 and Table 2 appears at the beginning of this amendment), and at page 22, lines 1-8, wherein for Example 3, the SF is 33% in the coloured state (-1.6 V) and 73% in the bleached state (+1.2 V); and for Example 4, the SF is 32% in the coloured state and 67% in the bleached state.

As disclosed in the specification at page 22, lines 9-24:

It may be seen from this data that, in the case of Example 3 according to the invention, it is possible to achieve a wider light transmission range and, in particular, to achieve a T_L of almost 80% in the bleached state. The energy transmission in the bleached state of Example 3 is also lower than that of Example 4 and the energy reflections are higher, whether in the coloured state or in the bleached state. Example 4, which has only the anti-colour coating, already shows an improvement over standard electrochromic glazing, especially with regard to R_{L1} and R_{L2} colorimetry in reflection. But Example 3, in which an antireflection coating has been added, allows the T_L range to be broadened towards higher values and allows the glazing to be made more effective from the standpoint of the filtration of thermal, especially solar, radiation.

Kliem discloses a liquid crystal system for a computer screen, for example, and not a glazing. As shown in Figure 1 and column 14, line 14ff therein, the active layer, i.e., the liquid crystal layer 32, is between two rigid substrates 46, 22: the protective layers 12 and 16 are not protective towards the "active" layer 32, but toward a polarizing layer 14, by sandwiching it.

In the Final Office Action, at page 9, the Examiner finds that "[t]he claims do not speak of the protective layer protecting toward the 'active' layer". In reply, it is understood that the protective film recited in Claim 39 is to protect the functional layers, not simply a layer which happens to be part of the electrically-controllable system (a). This is supported by the disclosure in the specification at page 12, lines 1-5, and indeed, the only reasonable interpretation of Claim 39 when read in light of the above-discussed disclosure is as advanced above.

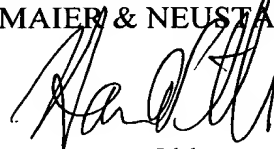
Since independent Claims 16 and 39 have been demonstrated as patentable over the applied prior art, the dependent claims are necessarily patentable.

For all of the above reasons, it is respectfully requested that the rejections over prior art be withdrawn.

All of the presently pending claims in the application are now believed to be in immediate condition for allowance. Accordingly, Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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Serial No: <u>091486,719</u>
Amendment Filed on: <u>Herewith</u>

IN THE SPECIFICATION

Please replace page 21 with the following page:

TABLE 1

EXAMPLE 4

T_L		EXAMPLE 4		R_{E2}		T_E		EXAMPLE 3		R_{E2}	
-1.6 V	+1.2 V	-1.6 V	+1.2 V	-1.6 V	+1.2 V	-1.6 V	+1.2 V	-1.6 V	+1.2 V	-1.6 V	+1.2 V
14.6	72.0	3.3	9.4	3.4	10.0	16.0	79.9	4.6	4.6	2.3	5.7
a*-2.0	-3.0	1.3	6.9	-0.4	3.6	-2.8	-3.3	0.1	14.1	-2.1	8.5
b*-23.6	5.7	1.0	-3.8	4.6	-1.7	-23.2	6.4	-7.7	-12.2	6.3	-5.3

EXAMPLE 3

TABLE 2

T_E		R_{E1}		R_{E2}		T_E		R_{E1}		R_{E2}	
-1.6 V	+1.2 V	-1.6 V	+1.2 V	-1.6 V	+1.2 V	-1.6 V	+1.2 V	-1.6 V	+1.2 V	-1.6 V	+1.2 V
10.0	61.2	3.1	9.5	5.4	13.2	10.2	60.2	9.6	12.8	16.0	15.2

EXAMPLE 4

EXAMPLE 3



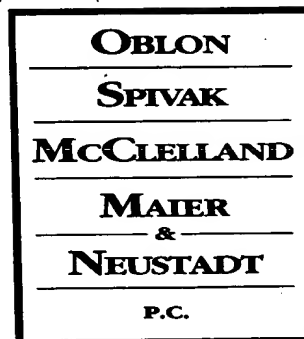
RESPONSE UNDER 37 CFR 1.116-
EXPEDITED PROCEDURE EXAMINING
GROUP 1775

DOCKET NO.: 1247-0855-0V PCT

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WASHINGTON, D.C. 20231



Re: Serial No.: 09/486,719
Applicants: Philippe BOIRE et al
Filing Date: August 2, 2000
For: GLAZING WITH OPTICAL AND/OR
ENERGETIC PROPERTIES CAPABLE
OF BEING ELECTRICALLY CONTROLLED
GAU: 1775 Examiner: A. Piziali

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SIR:

Attached hereto for filing are the following papers:

**AMENDMENT UNDER 37 C.F.R. §1.116 (WITH MARKED-UP COPY)
ATTACHED: PAGES FROM THE RANDOM HOUSE DICTIONARY
OF THE ENGLISH LANGUAGE**

Our check in the amount of \$ 0 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. §1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. §1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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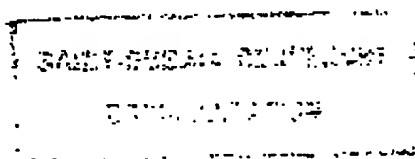
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1755 JEFFERSON DAVIS HIGHWAY ■ FOURTH FLOOR ■ ARLINGTON, VIRGINIA 22202 ■ U.S.A.
TELEPHONE: 703-413-3000 ■ FACSIMILE: 703-413-2220 ■ WWW.OBLON.COM

THE RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE

Second Edition

Unabridged



spreading of history as a series of di-
[DISPENSATIONAL + -ISM].

dis-pen-sa-tor. -pen-), n. Obs. a per-
son distributor; administrator. [1350-
1400 < ML dispensator, L manager,
dispensator (see DISPENSE) + -tor

di spen-sa-tor-ē, -tōr-ē), n., pl. -ries,
th the composition, preparation, and
substances are described; a nonofficial
dispensary. [1560-70; < ML dis-
pensatorius of management, equiv.
to DISPENSE + -torium -tor-ē]

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disheartened; gloomy. [1640-50; DISPIRIT + -ED] —dis-
pir-it-ed-ly, adv. —dis-pir-it-ed-ness, n.

dis-pit-e-ous (dis pīt'ē-əs), adj. Archaic. malicious;
cruel; pitiless. [1785-1805; earlier despituous, alter-
after pitious, of despituous, despituous, ME < AF, OF; see
DESPITE, -OUS; later taken as DIS- + -pit-ious] —dis-
pit-e-ously, adv. —dis-pit-e-ous-ness, n.

dis-place (dis plāz'), v.t., -placed, -placing. 1. to
compel (a person or persons) to leave home, country, etc.
2. to move or put out of the usual or proper place. 3. to
take the place of; replace; supplant. Fiction displaces
fact. 4. to remove from a position, office, or dignity. 5.
Obs. to rid oneself of. [1545-55; DIS- + PLACE, perh.
modeled on MF desplacer] —dis-place-a-ble, adj.

—Syn. 2. relocate. DISPLACE, MISPLACE mean to put
something in a different place from where it should be.
To DISPLACE often means to shift something solid and
comparatively immovable, more or less permanently
from its place: The flood displaced houses from their
foundations. To MISPLACE is to put an object in a wrong
place so that it is difficult to find: Papers belonging in
the safe were misplaced and temporarily lost. 4. depose,
oust, dismiss.

dis-placed (dis plāst'), adj. 1. lacking a home, coun-
try, etc. 2. moved or put out of the usual or proper
place. —n. 3. (used with a plural) a persons who lack a
home, as through political exile, destruction of their pre-
vious shelter, or lack of financial resources (usually prec.
by the): After the earthquake, the displaced were tem-
porarily housed in armories. [1565-75; DISPLACE + -ED]

dis-placed/ home-maker, a woman recently di-
vored, separated, or widowed after many years as a
homemaker. [1975-80]

dis-placed/ per-son, a person driven or expelled
from his or her homeland by war, famine, tyranny, etc.
Abbr.: DP. D.P. [1940-45]

dis-place-ment (dis plāz'mēt), n. 1. the act of dis-
placing. 2. the state of being displaced or the amount or
degree to which something is displaced. 3. Physics a.
the displacing in space of one mass by another. b. the
weight or the volume of fluid displaced by a floating or
submerged body. Cf. Archimedes' principle. c. the lin-
ear or angular distance in a given direction between a
body or point and a reference position. d. the distance of
an oscillating body from its central position or point of
equilibrium at any given moment. 4. Mech. Auto. a.
the volume of the space through which a piston travels
during a single stroke in an engine, pump, or the like. b.
the total volume of the space traversed by all the pistons.
5. Naut. the amount of water that a vessel displaces, ex-
pressed in displacement tons. 6. Geol. the offset of rocks
caused by movement along a fault. 7. Psychoanal. the
transfer of an emotion from its original focus to another
object, person, or situation. 8. See electric displace-
ment. [1605-15; DISPLACE + -MENT]

dis-place-ment activ-ity, Animal Behav. a behav-
ior performed out of its usual context and apparently ir-
relevant to the prevailing situation, as eating when an
unknown individual approaches, tending to occur when
appropriate behaviors, as attacking or fleeing, are in con-
flict or obstructed. [1945-50]

dis-place-ment cur-rent, Elect. the rate of change,
at any point in space, of electric displacement with time.
[1890-95]

dis-place-ment en-gine. See reciprocating engine.

dis-place-ment hull', Naut. a hull that displaces a
significant volume of water when under way. Cf. plan-
ing hull.

dis-place-ment ton', Naut. a unit for measuring the
displacement of a vessel, equal to a long ton of 2240 lb.
(1016 kg) or 35 cu. ft. (1 cu. m) of seawater.

dis-place-ment ton-nage, Naut. the number of
long tons of water displaced by a vessel, light or load dis-
placement being specified.

dis-plac-or (dis plāz'ər), n. 1. a person or thing that
displaces. 2. plum (def. 10). [1580-90; DISPLACE + -OR]

dis-plant (dis plānt', -plānt'), v.t. Obs. 1. to dialogue.
2. to transplant. [1485-95; DIS- + PLANT, modeled on
MF desplanter]

dis-play (di spīz'), v.t. 1. to show or exhibit; make vis-
ible; to display a sign. 2. to reveal; betray; to display
fear. 3. to unfold; open out; spread out; to display a sail.
4. to show ostentatiously; flaunt. 5. Print. to give spe-
cial prominence to words, captions, etc.) by choice, size,
and arrangement of type. 6. Computers, to output (data)
on a CRT or other screen. —v.i. 7. (of animals) to en-
gage in a stereotyped behavior that conveys information
to individuals of the same or another species. —n. 8. an
act or instance of displaying; exhibition; a display of
courage. 9. an ostentatious show; a vulgar display of
wealth. 10. Print. a. the giving of prominence to par-
ticular words, sentences, etc., by the choice, size, and ar-
rangement of types and position, as in an advertisement,
headline, or news story. b. printed matter thus dis-
played. 11. an arrangement, as of merchandise, art ob-
jects, or flowers, designed to please the eye, attract buy-
ers, etc. 12. the visual representation of the output of
an electronic device, as the screen of a cathode ray tube.
13. Animal Behav. a. a pattern of behavior, as postur-
ing, calling, or exposing a color patch, that conveys in-
formation to individuals of the same or another species;
a threat display. b. an instance of such behavior. [1250-
1300; ME displeyven < AF, OF displeier < LL displeicare
to unfold. See DIS- + PLACARE]

—Syn. 1. 2. DISPLAY, EVINCE, EXHIBIT, MANIFEST mean
to show or bring to the attention of another or others. To
DISPLAY is literally to spread something out so that it
may be most completely and favorably seen: to display
a goods for sale. To EXHIBIT is to display something in a
show; to exhibit the best flowers. They may both be used
for showing (off) one's qualities or feelings: He displayed
his wit. He exhibited great surprise. To EVINCE and to
MANIFEST also mean to show feelings or qualities: to
evince or manifest surprise. Interest. A flourish, parade.
air. 8. See show. —Ant. 1. 2. conceal.

display/ ad', an advertisement in a newspaper or
other publication, often using special attention-getting
devices, as large size, display type, and illustrations.
[1815-20]

display/ ad-vertising, display ads taken collectively.

dis-played (di splād'), adj. Heraldry. (of a bird) rep-
resented with wings and legs spread: an eagle displayed.
[1350-1400; ME; see DISPLAY, -ED]

display/ type', Print. type larger than body type,
used in headings, advertisements, etc. Cf. body type.
[1860-65]

dis-please (dis plēz'), v., -pleased, -pleas-ing. —v.t.
1. to incur the dissatisfaction, dislike, or disapproval of;
offend; annoy: His reply displeased the judge. —v.i. 2.
to be unpleasant; cause displeasure: Bad weather dis-
pleases. [1300-50; ME displeen < AF, MF desplaisir.
See DIS- + PLEASE] —dis-pleas-ing-ly, adv. —dis-
pleas-ing-ness, n.

dis-pleas-ure (dis plēz'ər), n., v., -ured, -ur-ing. —n.
1. dissatisfaction, disapproval, or annoyance. 2. discom-
fort, uneasiness, or pain. 3. Archaic. a cause of offense,
annoyance, or injury. —v. 4. Archaic. to displease.
[1400-50; DIS- + PLEASURE; r. late ME desplaisir < MF
(n. use of inf.); see DISPLEASE] —dis-pleas-ure-a-ble,
adj. —dis-pleas-ure-a-bly, adv.

—Syn. 1. distaste, dislike; indignation, vexation. See
dissatisfaction. —Ant. 1. pleasure.

dis-plode (dis plod'), v.t., v.i., -plod-ed, -plod-ing. Ar-
chaic. to explode. [1680-70; < L displodere, equiv. to
dis- + -plodere, comb. form of plaudere to clap]
—dis-plo-sion (dis plō'zhən), n.

dis-plume (dis plūm'), v.t., -plumed, -plum-ing. 1. to
strip of plumes; depulse. 2. to strip of honors. [1470-
80; DIS- + PLUME; cf. DEPLUME]

dis-plu-vi-ate (dis plōv'vī-āt'), adj. (of the stratum of
an ancient Roman house) having roofs sloping downward
and outward from a central opening. [*< L displuviatus*,
equiv. to dis- + pluvi(a) rain + -atus -ATE']

dis-port (di spōrt', -spōrt'), v.t. 1. to divert or amuse
(oneself). 2. to display (oneself) in a sportive manner:
The penguins disported themselves merrily on the
beach. —v.i. 3. to divert oneself; sport. —n. 4. diver-
sion; amusement; play; sport. [1275-1325; (v.) ME dis-
porten, desporten < AF desporter, equiv. to des- + por-
ter lit., to carry (see PORT); (n.) ME < AF, deriv. of
the v.] —dis-port-men-t, n.

dis-pos-a-ble (di spōz'a-bal), adj. 1. designed for or
capable of being thrown away after being used or used
up: disposable plastic spoons; a disposable cigarette
lighter. 2. free for use; available: Every disposable vehi-
cle was sent. —n. 3. something disposable after a single
use, as a paper cup, plate, or napkin. [1645-55; DISPOSE
+ -ABLE] —dis-pos-a-ble-ly, adv. —dis-pos-a-ble-ness, n.
—dis-pos-a-bly, adv.

dis-pos-a-ble in-come, 1. the part of a person's in-
come remaining after deducting personal income taxes.
2. (in national income accounting) the total disposable
income of all consumers. [1945-50]

dis-pos-al' (di spōz'əl), n. 1. an act or instance of dis-
posing; arrangement; the disposal of the troops. 2. a dis-
posing of or getting rid of something; the disposal of
waste material. 3. a disposing or allotting of, as by gift
or sale; bestowal or assignment: She left no will to in-
dicate the disposal of her possessions. 4. power or right to
dispose of a thing; control: left at his disposal. [1620-30;
DISPOSE + -AL']

—Syn. 4. command, direction, management.

dis-pos-al' (di spōz'əl), n. 1. an electrical device in the
drain of a sink, for grinding up garbage to be washed
down the drain. Also called disposer. [short for gar-
bage-disposal; see DISPOSAL']

dis-pose (di spōz'), v., -posed, -pos-ing, n. —v.t. 1. to
give a tendency or inclination to; incline: His tempera-
ment disposed him to argue readily with people. 2. to
put in a particular or the proper order or arrangement;
adjust by arranging the parts. 3. to put in a particular
or suitable place: The lamp was disposed on a table
nearby. 4. to make fit or ready; prepare: Your words of
cheer dispose me for the task. —v.i. 5. to arrange or de-
cide matters; to do as God disposes. 6. Obs. to make
terms. 7. dispose of, a. to deal with conclusively; set-
tle. b. to get rid of; discard. c. to transfer or give away,
as by gift or sale. d. to do away with; destroy. —n. 8.
Archaic disposition; habit. 9. Obs. arrangement; regu-
lation; disposal. [1300-50; ME < MF disposer, equiv.
to dis- + por- + posere to place (see POS-), on the model of L
disponere] —dis-pos-ing-ly, adv.

dis-posed (di spōz'd'), adj. having a certain inclination
or disposition; inclined (usually fol. by to or an infinitive)
a man disposed to like others. [1300-50; ME. See
DISPOSE, -ED] —dis-pos-ed-ly, adv. —dis-pos-ed-
ness, n.

dis-pos-er (di spōz'ər), n. 1. a person or thing that
disposes. 2. disposal. [1520-50; DISPOSE + -ER]

dis-po-si-tion (dis-pō'zish-ən), n. 1. the predominant
or prevailing tendency of one's spirit; natural mental
and emotional outlook or mood; characteristic attitude:
a girl with a pleasant disposition. 2. state of mind re-
garding something; inclination: a disposition to gamble.
3. physical inclination or tendency: the disposition of ice
to melt when heated. 4. arrangement or placing, as of
troops or buildings. 5. final settlement of a matter. 6.
bestowal, as by gift or sale. 7. power to dispose of a
thing; control: funds at one's disposition. 8. regulation;
management; dispensation: the disposition of God.
[1325-75; ME dispositioun < AF < L dispositiō- (a.
dispositio), equiv. to disposit(us) (prep. of disponere to dis-
tribute; dispo- (see DISPOSE) + -itus prep. suffix] + -iōn-
-iōn)] —dis-po-si-tion-al, adj.

—Syn. 1. nature, character, humor. DISPOSITION, TEM-
PER, TEMPERAMENT refer to the aspects and habits of
mind and emotion that one displays over a length of
time. DISPOSITION is the natural or prevailing aspect of